

1-1 By: White (Senate Sponsor - Whitmire) H.B. No. 2733  
 1-2 (In the Senate - Received from the House May 8, 2013;  
 1-3 May 9, 2013, read first time and referred to Committee on Criminal  
 1-4 Justice; May 16, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-6 May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2733 By: Huffman

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the administration and operation of the Texas Juvenile  
 1-20 Justice Department.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 411.1141, Government Code, is amended to  
 1-23 read as follows:

1-24 Sec. 411.1141. ACCESS TO CRIMINAL HISTORY RECORD  
 1-25 INFORMATION: TEXAS JUVENILE JUSTICE DEPARTMENT [~~YOUTH COMMISSION~~].

1-26 (a) The Texas Juvenile Justice Department is entitled to obtain  
 1-27 from the department criminal history record information maintained  
 1-28 by the department that relates to:

1-29 (1) a person described by Section 242.010(b), Human  
 1-30 Resources Code;

1-31 (2) an applicant for a certification from the Texas  
 1-32 Juvenile Justice Department;

1-33 (3) a holder of a certification from the Texas  
 1-34 Juvenile Justice Department;

1-35 (4) a child committed to the custody of the Texas  
 1-36 Juvenile Justice Department by a juvenile court;

1-37 (5) a person requesting visitation access to a  
 1-38 facility of the Texas Juvenile Justice Department; or

1-39 (6) any person, as necessary to conduct an evaluation  
 1-40 of the home under Section 245.051(a), Human Resources Code.

1-41 (b) Criminal history record information obtained by the  
 1-42 Texas Juvenile Justice Department [~~Youth Commission~~] under  
 1-43 Subsection (a) may not be released to any person except:

1-44 (1) on court order;

1-45 (2) with the consent of the entity or person who is the  
 1-46 subject of the criminal history record information;

1-47 (3) for purposes of an administrative hearing held, or  
 1-48 an investigation conducted, by the Texas Juvenile Justice  
 1-49 Department [~~Youth Commission~~] concerning the person who is the  
 1-50 subject of the criminal history record information; [~~or~~]

1-51 (4) a juvenile board by which a certification  
 1-52 applicant or holder is employed; or

1-53 (5) as provided by Subsection (c) or (f).

1-54 (c) The Texas Juvenile Justice Department [~~Youth  
 1-55 Commission~~] is not prohibited from releasing criminal history  
 1-56 record information obtained under Subsection (a) to:

1-57 (1) the person who is the subject of the criminal  
 1-58 history record information; or

1-59 (2) a business entity or person described by  
 1-60 Subsection (a)(1) [~~(a)(4) or (a)(5)~~] who uses or intends to use the

2-1 services of the volunteer or intern or employs or is considering  
2-2 employing the person who is the subject of the criminal history  
2-3 record information.

2-4 (d) The Texas Juvenile Justice Department ~~[Youth~~  
2-5 ~~Commission]~~ may charge an entity or a person who requests criminal  
2-6 history record information under Subsection (c)(2) [~~(a)(4) or~~  
2-7 ~~(a)(5)] a fee in an amount necessary to cover the costs of obtaining  
2-8 the information on the person's or entity's behalf.~~

2-9 (e) After a person is certified by the Texas Juvenile  
2-10 Justice Department, the Texas Juvenile Justice Department shall  
2-11 destroy the criminal history record information that relates to a  
2-12 person described by Subsection (a)(2).

2-13 (f) The Texas Juvenile Justice Department is not prohibited  
2-14 from disclosing criminal history record information obtained under  
2-15 Subsection (a) in a criminal proceeding or in a hearing conducted by  
2-16 the Texas Juvenile Justice Department.

2-17 SECTION 2. Section 552.117(a), Government Code, is amended  
2-18 to read as follows:

2-19 (a) Information is excepted from the requirements of  
2-20 Section 552.021 if it is information that relates to the home  
2-21 address, home telephone number, emergency contact information, or  
2-22 social security number of the following person or that reveals  
2-23 whether the person has family members:

2-24 (1) a current or former official or employee of a  
2-25 governmental body, except as otherwise provided by Section 552.024;

2-26 (2) a peace officer as defined by Article 2.12, Code of  
2-27 Criminal Procedure, or a security officer commissioned under  
2-28 Section 51.212, Education Code, regardless of whether the officer  
2-29 complies with Section 552.024 or 552.1175, as applicable;

2-30 (3) a current or former employee of the Texas  
2-31 Department of Criminal Justice or of the predecessor in function of  
2-32 the department or any division of the department, regardless of  
2-33 whether the current or former employee complies with Section  
2-34 552.1175;

2-35 (4) a peace officer as defined by Article 2.12, Code of  
2-36 Criminal Procedure, or other law, a reserve law enforcement  
2-37 officer, a commissioned deputy game warden, or a corrections  
2-38 officer in a municipal, county, or state penal institution in this  
2-39 state who was killed in the line of duty, regardless of whether the  
2-40 deceased complied with Section 552.024 or 552.1175;

2-41 (5) a commissioned security officer as defined by  
2-42 Section 1702.002, Occupations Code, regardless of whether the  
2-43 officer complies with Section 552.024 or 552.1175, as applicable;

2-44 (6) an officer or employee of a community supervision  
2-45 and corrections department established under Chapter 76 who  
2-46 performs a duty described by Section 76.004(b), regardless of  
2-47 whether the officer or employee complies with Section 552.024 or  
2-48 552.1175; ~~[or]~~

2-49 (7) a current or former employee of the office of the  
2-50 attorney general who is or was assigned to a division of that office  
2-51 the duties of which involve law enforcement, regardless of whether  
2-52 the current or former employee complies with Section 552.024 or  
2-53 552.1175;

2-54 (8) a current or former employee of the Texas Juvenile  
2-55 Justice Department or of the predecessors in function of the  
2-56 department, regardless of whether the current or former employee  
2-57 complies with Section 552.1175;

2-58 (9) a juvenile probation or supervision officer  
2-59 certified by the Texas Juvenile Justice Department, or the  
2-60 predecessors in function of the department, under Title 12, Human  
2-61 Resources Code; or

2-62 (10) employees of a juvenile justice program or  
2-63 facility, as those terms are defined by Section 261.405, Family  
2-64 Code.

2-65 SECTION 3. The heading to Section 552.1175, Government  
2-66 Code, is amended to read as follows:

2-67 Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL  
2-68 [ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND  
2-69 PERSONAL FAMILY] INFORMATION OF PEACE OFFICERS, COUNTY JAILERS,

3-1 SECURITY OFFICERS, AND EMPLOYEES OF CERTAIN ~~[THE TEXAS DEPARTMENT~~  
3-2 ~~OF]~~ CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES ~~[A~~  
3-3 ~~PROSECUTOR'S OFFICE]~~.

3-4 SECTION 4. Section 552.1175(a), Government Code, is amended  
3-5 to read as follows:

3-6 (a) This section applies only to:

3-7 (1) peace officers as defined by Article 2.12, Code of  
3-8 Criminal Procedure;

3-9 (2) county jailers as defined by Section 1701.001,  
3-10 Occupations Code;

3-11 (3) current or former employees of the Texas  
3-12 Department of Criminal Justice or of the predecessor in function of  
3-13 the department or any division of the department;

3-14 (4) commissioned security officers as defined by  
3-15 Section 1702.002, Occupations Code;

3-16 (5) employees of a district attorney, criminal  
3-17 district attorney, or county or municipal attorney whose  
3-18 jurisdiction includes any criminal law or child protective services  
3-19 matters;

3-20 (6) officers and employees of a community supervision  
3-21 and corrections department established under Chapter 76 who perform  
3-22 a duty described by Section 76.004(b);

3-23 (7) criminal investigators of the United States as  
3-24 described by Article 2.122(a), Code of Criminal Procedure;

3-25 (8) police officers and inspectors of the United  
3-26 States Federal Protective Service; ~~and]~~

3-27 (9) current and former employees of the office of the  
3-28 attorney general who are or were assigned to a division of that  
3-29 office the duties of which involve law enforcement;

3-30 (10) juvenile probation and detention officers  
3-31 certified by the Texas Juvenile Justice Department, or the  
3-32 predecessors in function of the department, under Title 12, Human  
3-33 Resources Code;

3-34 (11) employees of a juvenile justice program or  
3-35 facility, as those terms are defined by Section 261.405, Family  
3-36 Code; and

3-37 (12) current or former employees of the Texas Juvenile  
3-38 Justice Department or the predecessors in function of the  
3-39 department.

3-40 SECTION 5. Section 203.0081(a), Human Resources Code, is  
3-41 amended to read as follows:

3-42 (a) The advisory council on juvenile services consists of:

3-43 (1) the executive director of the department or the  
3-44 executive director's designee;

3-45 (2) the director of probation services of the  
3-46 department or the director's designee;

3-47 (3) the director of state programs and facilities of  
3-48 the department or the director's designee;

3-49 (4) the executive commissioner of the Health and Human  
3-50 Services Commission or the commissioner's designee;

3-51 (5) ~~[(4)]~~ one representative of the county  
3-52 commissioners courts appointed by the board;

3-53 (6) ~~[(5)]~~ two juvenile court judges appointed by the  
3-54 board; and

3-55 (7) ~~[(6)]~~ seven chief juvenile probation officers  
3-56 appointed by the board as provided by Subsection (b).

3-57 SECTION 6. Sections 242.002(b) and (d), Human Resources  
3-58 Code, are amended to read as follows:

3-59 (b) On or before December 31 of each even-numbered year, the  
3-60 department shall make a report on the effectiveness of the programs  
3-61 to the Legislative Budget Board.

3-62 (d) If the department is unable to offer or make available  
3-63 programs described by Subsection (a) in the manner provided by  
3-64 Subsection (c), the department shall, not later than December 31  
3-65 [January 10] of each even-numbered ~~[odd-numbered]~~ year, provide the  
3-66 standing committees of the senate and house of representatives with  
3-67 primary jurisdiction over matters concerning correctional  
3-68 facilities with a report explaining:

3-69 (1) which programs are not offered or are unavailable;

4-1 and  
4-2 (2) the reason the programs are not offered or are  
4-3 unavailable.

4-4 SECTION 7. Section 242.010, Human Resources Code, is  
4-5 amended by amending Subsections (b), (c), and (d) and adding  
4-6 Subsections (b-1), (b-2), and (b-3) to read as follows:

4-7 (b) The department [~~executive director~~] shall review the  
4-8 national criminal history record information, state criminal  
4-9 history record information maintained by the Department of Public  
4-10 Safety, and previous and current employment references of each  
4-11 person who:

4-12 (1) is an employee, [~~contractor,~~] volunteer,  
4-13 ombudsman, or advocate working for the department or working in a  
4-14 department facility or a facility under contract with the  
4-15 department;

4-16 (2) is a contractor or an employee or subcontractor of  
4-17 a contractor who has direct access to children in department  
4-18 facilities;

4-19 (3) provides direct delivery of services to children  
4-20 in the custody of the department; or

4-21 (4) [~~(3)~~] has access to records in department  
4-22 facilities or offices.

4-23 (b-1) The department may review criminal history record  
4-24 information of:

4-25 (1) a person requesting visitation access to a  
4-26 department facility; or

4-27 (2) any person, as necessary to conduct an evaluation  
4-28 of the home under Section 245.051(a).

4-29 (b-2) The department may not deny visitation access to an  
4-30 immediate family member of a child committed to the department  
4-31 based solely on a review of criminal history record information  
4-32 under Subsection (b-1)(1).

4-33 (b-3) If visitation access is denied or limited based in  
4-34 part on a review of criminal history record information under  
4-35 Subsection (b-1)(1), the department shall retain the criminal  
4-36 history record information of the person for whom access is denied  
4-37 or limited until the child the person requested visitation access  
4-38 to is released from the department.

4-39 (c) To enable the department [~~executive director~~] to  
4-40 conduct the review, the board shall adopt rules requiring a person  
4-41 described by Subsection (b) to electronically provide the  
4-42 Department of Public Safety with a complete set of the person's  
4-43 fingerprints in a form and of a quality acceptable to the Department  
4-44 of Public Safety and the Federal Bureau of Investigation.

4-45 (d) For each person described by Subsection (b), the  
4-46 department [~~executive director~~] shall review on an annual basis the  
4-47 person's national criminal history record information.

4-48 SECTION 8. Section 245.0535(i), Human Resources Code, is  
4-49 amended to read as follows:

4-50 (i) Not later than December 31 [~~1~~] of each even-numbered  
4-51 year, the department shall deliver a report of the results of  
4-52 research conducted or coordinated under Subsection (h) to the  
4-53 lieutenant governor, the speaker of the house of representatives,  
4-54 and the standing committees of each house of the legislature with  
4-55 primary jurisdiction over juvenile justice and corrections.

4-56 SECTION 9. Section 261.051(b), Human Resources Code, is  
4-57 amended to read as follows:

4-58 (b) A person appointed as independent ombudsman is eligible  
4-59 for reappointment [~~but may not serve more than three terms in that~~  
4-60 ~~capacity~~].

4-61 SECTION 10. Section 411.137, Government Code, is repealed.

4-62 SECTION 11. This Act takes effect September 1, 2013.

4-63 \* \* \* \* \*